

REMARKS

The Applicants request reconsideration of the rejection.

Claims 4-8, and 18-30 are now pending.

Claims 1 and 9 were rejected under 35 U.S.C. 102(e) as being anticipated by Manley et al., U.S. Patent Publication No. 2003/0195903 (Manley). Claims 2-8 and 10-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manley in view of Hirashima, U.S. Patent Publication No. 2002/0059329 (Hirashima). The Applicants traverse as follows.

New independent Claims 18, 22, 29, and 30 have been drafted to focus examination on the features of creating or selecting a copy destination volume that has a feature specified for a copy source volume, based on a request for the copy destination volume and a prestored relationship between the copy source volume and information including a feature of the copy source volume. One of many preferred embodiments of the disclosed invention defines an example of the feature as the read/write, performance, and reliability levels of the copy source volume, indicated at reference numerals 216-218 of Fig. 2. This example of the "feature" should not be construed as a limitation on the scope of the "feature", however, except in such claims that are positively limited. In general, the


copy destination volume is created or selected to have capabilities that are, at least, approximately coincident to the feature of the copy source volume (i.e., to have the feature of the copy source volume).

Neither Manley nor Hirashima discusses selection of a copy destination volume based on a feature of the copy source volume. In this regard, the Applicants note the Examiner's reference to Paragraphs [0064] and [0066] of Manley, but these paragraphs appear to relate to a file system layer 450 overlaid with a snapshot mirroring application 490 that interacts with the file system layer, but that may have different source and destination functions while having a file-based data structure to replicate source snapshots at the destination. These passages do not appear to describe selection of a copy destination volume based on a feature of a copy source volume. Further, Hirashima does not add teachings relating to this aspect of the invention.

Therefore, Applicants respectfully submit that Manley and Hirashima, whether taken individually or in combination with each other, fail to disclose or suggest the newly-claimed invention.

In view of the foregoing amendments and remarks, the Applicants request reconsideration of the rejection and allowance of the claims.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel J. Stanger".

Daniel J. Stanger
Registration No. 32,846

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
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